

year was 85,000 in President Obama's final year in office. President Biden wants to break the record. He wants to increase it to 125,000. It will be the most, by far.

President Biden has told his administration to bring back the Deferred Action for Childhood Arrivals, also known as DACA. Now, this is a program for people who were brought here illegally while they were children. It is not the children's fault. Yet DACA is illegal, plain and simple.

President Obama has admitted it. Liberal activists asked him to do it. At least 10 different times President Obama said: No, I can't do it. It is illegal. Then an election year came. He decided to do it anyway.

As you and I know, we are a nation of compassionate people. We are giving. We are generous. We have the most generous immigration system in the world. The issue before us is one that should be handled by Congress, not by Executive order—not through an illegal Executive order, and DACA is still illegal. I expect a court will ultimately strike it down.

So this is some of what President Biden has done by Executive order. At the same time, he is trying to cram an even more radical agenda through Congress. Last month, President Biden's immigration bill was introduced in the Senate. It already has the support of 26 cosponsors on the Democratic side of the aisle. It includes the majority leader, Senator SCHUMER.

Well, this bill will give illegal immigrants not just amnesty, citizenship—citizenship. Democrats in Washington tried that in 2007, the year I arrived in the Senate. The American people picked up the phone. They actually shut down the phone lines, shut down the switchboards here in the U.S. Senate. They were all calling in to say no.

Democrats in Washington tried it again in 2013. The American people picked up the phone again. The American people said no. And we said no in the Senate. We said no in 2007, no in 2013. The American people are going to say no again in 2021.

Now, President Biden has issued, signed a lot of Executive orders; many of them, the ones I talked about with people at home this weekend in Wyoming, very unpopular. Polls show his immigration order is the most unpopular of them all.

President Biden should keep in mind that it was a very close election in November. We have a 50-50 Senate, very narrow margins in the House. The American people, for the first time, are finding out just how liberal Joe Biden is. Many of them are already having buyer's remorse. They didn't believe he would be this radical and his actions would be this scary.

President Biden needs to listen to the American people. The American people don't want a radical, extreme, dangerous, scary agenda. We want safe communities. We want laws obeyed. We want a secure border. It is time to stand up to this radical agenda.

Our immigration system is broken. Instead of breaking it further, we should work together to fix it. Let's protect our communities, protect our American workers, and secure our southern border.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF MERRICK BRIAN GARLAND

Mr. COTTON. Mr. President, today the Senate will vote on Judge Merrick Garland's nomination to be Attorney General of the United States. I will oppose this nomination. I was open-minded at first about Judge Garland's nomination. He has long had a reputation as a fair-minded judge. But since being nominated, my confidence in Judge Garland has been undermined—first, by his evasive, haughty refusal to answer some of the most basic questions we would expect from an Attorney General, the kind of evasion he would never allow in his own courtroom, so why should we allow it in the U.S. Senate? And, second, when he did answer questions, he sounded more like a liberal ideologue who had embraced the radical agenda of the Democratic Party's far-left base.

If confirmed, I am afraid that he will enable extremists in the Department of Justice to undermine our police, our Constitution, and our rule of law. This weak-on-crime nominee will fan the flames of our Nation's drug crisis, border crisis, and violent crime crisis. And he has made clear that on the greatest challenges facing the Department, he will cede the reins to the radical, far-left culture warriors that President Biden has nominated to be some of his top deputies. Our Nation simply cannot afford Judge Garland as our Attorney General.

In the last 12 months on record, over 83,000 Americans died from drug overdoses, more than any year in history. Drug overdoses killed more Americans in a single year than the Vietnam war and the War on Terror combined. Yet Judge Garland plans to reduce prison sentences for drug dealers, traffickers, and gang members.

Judge Garland appears to believe that these merchants of misery engage in a victimless trade, but virtually every family and community in our Nation bears the scars that prove otherwise. Whether it is the disabled child, addicted parent, suffering sibling, recovering neighbor, or deceased friend, the victims of drug crime are everywhere we look. Drug traffickers are hardly engaged in a nonviolent offense. Their practice is intimidation; their product is poison; and their customer service is the barrel of a gun. With Judge Garland as Attorney General,

these criminals will go free. Their business will boom, and the violence and death in our streets will continue.

It is not just fentanyl and heroin driving this crisis anymore. In the wake of weakening our drug trafficking laws under ill-advised laws like the First Step Act, drug overdose deaths are linked to other drugs as well, like cocaine, which is sharply increasing. Cocaine is now outpacing heroin as a leading cause of drug overdoses, and meth is outpacing both. Judge Garland will release these criminals back onto the streets in the middle of the worst drug epidemic in our Nation's history. These pain profiteers don't deserve leniency and should be kept far away from the communities they have victimized. Many should, frankly, count themselves lucky that they are not charged with murder.

And while Judge Garland endorses President Biden's call for racial equity—not equality, but equity—Judge Garland's agenda will hurt vulnerable minority communities most of all. Drug overdose deaths disproportionately affect minority communities, as does violent crime. Judge Garland's confirmation, like the confirmation of some of his top deputies, would be a gift to the cartels, street gangs, and drug trafficking networks that perpetuate violence and the destruction we see in our streets. And even those who want the government to go easier on drug dealers and drug traffickers should be concerned about Judge Garland's stated plan to dismantle mandatory minimum sentences for drug traffickers. In addition to deterrence, one important justification for creating sentence ranges was to reduce racial disparities in how minority drug traffickers were sentenced.

But Judge Garland doesn't stop there. He also supports President Biden's extreme open borders amnesty agenda. At Judge Garland's confirmation hearing, he was asked if entering the country illegally should be a crime. You would think that would be a very simple question. But Judge Garland responded that he hadn't "thought about" it—hadn't "thought about" it. It stretches the bounds of belief that a Federal judge who has been on the bench for almost a quarter century hadn't thought about that question—or that any American with common sense who believes in our borders and believes in our sovereignty hadn't thought whether it should be a crime to cross our border illegally. But, to give him the benefit of the doubt, I asked, in a written question after the hearing—had nearly a week to think about it; it seems like it is a pretty easy research question: Should illegally entering our country be a crime? And he said, conveniently, even then, that he hadn't thought about it. Judge Garland also refused to say whether illegal alien gang members or illegal aliens who have assaulted U.S. citizens should be deported if a judge orders it.

Judge Garland's silence shows that he will, at best, meekly abide by the

administration's irrational immigration agenda. He will help transform zero tolerance into total tolerance of crime, and his inaction will only further advance the administration's recruit-and-release policies at our border, where we don't just allow illegal aliens into our country after catching them at the border; we go back and find them in Mexico and invite them to return to the border and then release them into the country.

This will attract an ever-growing surge of illegal migration and will result in more drugs and criminal aliens entering our country, as we see with the Biden border crisis growing worse every day.

Of course, the vast majority of meth, heroin, and cocaine—and a large quantity of fentanyl—is smuggled across the southern border each year. As our border facilities and personnel are overwhelmed by the Biden border surge, our security will falter and even more drugs will pour into our Nation.

Hardened criminals will accompany the flood of drugs from the Rio Grande. Thousands of confirmed and suspected gang members cross the southern border into our country, and even more will exploit the open border policies that Judge Garland will have a hand in creating. This will fuel skyrocketing violence in our Nation.

Last year, we experienced the largest single increase in murder in American history—the largest single increase in murders in our country's history. Preliminary data from the FBI indicates that there was a 20-percent increase—20-percent increase—in murder nationwide. In big cities, it was even worse. Murders rose in Atlanta by 60 percent; in Chicago, by 50 percent; in New York City, by 45 percent; and in Washington, DC, by 40 percent. There were also, I would add, over 500 violent riots last year that injured over 2,000 law enforcement officers.

Our police need our support more than ever before, but they wouldn't get it from a Garland Department of Justice. Personnel is policy, and Judge Garland has allowed two leftwing radicals to be selected as his chief lieutenants in the Department of Justice. Vanita Gupta and Kristen Clarke both support defunding, disarming, and defaming our police. They stand with the perpetrators of crime, not with the victims of it. There is little doubt that Judge Garland would empower these leftwing radicals embedded inside the Department.

In response to written questions from the Judiciary Committee, Judge Garland also responded with some variation of "I don't know"; "I haven't studied the issue"; "I am not familiar"; "I haven't thought about it"; "I am not aware of," or refused to comment altogether over 250 times. Again, this is a sitting Federal judge of almost a quarter century with a vast retinue of the country's best lawyers at his disposal for a week to answer written questions, and over 250 times he

couldn't answer the question. That was more than one-third of the colleagues—or more than one-third of the questions that I and my colleagues asked him.

Judge Garland may not have thought about these questions or thought about how to run the Justice Department, but I bet Ms. Gupta and Ms. Clarke have, and they will gladly fill this void of purpose with their radical ideology. The Garland Justice Department will make America less safe.

At the same time, Judge Garland would work to weaken our Second Amendment. At his hearing, he repeatedly refused to explain how he would deal with the Second Amendment. While he acknowledged accurately that it would be tough to overturn the Supreme Court's ruling in *Washington, DC, v. Heller*, which affirmed Americans' constitutional right to keep and bear arms, he said that he "can't promise"—he "can't promise"—that he won't try to overturn it. He also said he just doesn't know whether President Biden has the authority to ban certain semiautomatic rifles, some of the most popular sporting firearms today. He doesn't know if President Biden has the authority to ban them by Executive order. He has also said he is just not familiar with whether the Bureau of Alcohol, Tobacco, Firearms and Explosives—which would report to him if he is confirmed, I would remind everyone—would have the authority to indefinitely delay approving gun sales to Americans who have not had any flags show up in their background checks. Once again, Judge Garland demonstrated through his evasion that he would bow to the radical left to the detriment of normal law-abiding American citizens.

I urge every Senator who believes in the Second Amendment and the rule of law and who cares about stopping crime in our streets to reject Judge Merrick Garland's nomination for Attorney General.

Now is not the time for weakness, evasion, and obfuscation from our Nation's foremost law enforcement officer. We need strength, resolve, and certainty. Our Nation needs and deserves a better nominee for Attorney General. I will oppose his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

NOMINATION OF MARCIA LOUISE FUDGE

Mr. TOOMEY. Mr. President, I rise this morning to oppose the nomination of Representative FUDGE to serve as the Secretary of the Department of Housing and Urban Development.

The confirmation of Cabinet Secretaries is one of the most important constitutional functions we have here in the Senate. I think most of my colleagues would agree that one of the important considerations is that Cabinet officials can be relied on to coordinate and work productively with Congress as they implement the policies of the legislation that we pass.

I am concerned that Representative FUDGE's past rhetoric makes clear that

she lacks the temperament to collaborate with Congress, particularly across the aisle with Republican Members, and her comments cast doubt on whether she even wants to.

Congresswoman FUDGE has made multiple statements throughout the years attacking and disparaging the integrity and motives of Republicans with whom she has policy disagreements. Policy disagreements are entirely understandable. It is reasonable. They happen every day. They are expected, especially in a legislative body. But consistently attacking the integrity and motives of people with whom you have these disagreements is another thing all together.

In September 2020, during a speech on the House floor, Congresswoman FUDGE attacked efforts to fill Justice Ruth Bader Ginsburg's seat on the Supreme Court. In her speech, she said, among other insults, that Senate Republicans had "no decency," "no honor," "no integrity." She went on to say, referring to Republican Senators, that we "are a disgrace to the Nation."

In June 2020, during a virtual town-hall, Congresswoman FUDGE admitted believing that Republicans did not care about minorities. She said that if Republicans "want to save face and let this country know that they care even a little bit about people of color, which I don't believe they do, but if they want to try, I want to listen."

Back in a January of 2013 PBS forum with Tavis Smiley, Congresswoman FUDGE harshly questioned the motives and character of Republicans again, this time Republicans who supported cuts to the food stamps program.

Congresswoman FUDGE said:

If we continue to send people to Congress who don't even understand what their job is—who don't understand that government's job is to take care of its people—then we are never going anywhere as a country because we deal with nuts every single day. These people are evil and mean. They care nothing about anybody but themselves. And so if you think you are going to have something bipartisan, you need to think again. It's not happening.

Overtly partisan attacks on integrity and motive simply have a toxic and detrimental impact on the working relationship that ought to be a constructive relationship between Members of Congress and members of the administration. The Senate should really only confirm officers who are willing to cooperate with legislators, especially now when we have rapid expansion of many government programs—we just passed a \$2 trillion bill that is probably going to pass the House and be signed by the President—and it is especially true for the administrator of HUD.

In addition to her recent statements impugning the integrity and motives of Republicans, Congresswoman FUDGE has very little or no housing experience. Except for her service as a smalltown mayor, Congresswoman FUDGE never worked in a capacity where she would be familiar with any of HUD's many programs. Even traditionally liberal media outlets criticized